रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-Section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 218] नई दिल्ली, मंगलवार, नवम्बर 1, 1966/कार्तिक 10, 1888
No 218] NEW DELHI, TUESDAY, NOVEMBER 1, 1966/KARTIKA 10, 1888

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF FINANCE

(Department of Revenue & Insurance)

NOTIFICATION

New Delhi, the 1st November, 1966

THE DEFENCE OF INDIA (FOURTH AMENDMENT) RULES, 1966

G.S.R. 1676.—In exercise of the powers conferred by section 3 of the Defence of India Act, 1962 (51 of 1962), the Central Government hereby makes the following rules further to amend the Defence of India Rules, 1962, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Defence of India (Fourth Amendment) Rules, 1966.

(2) These rules, except rules 5, 9 and 10, shall come into force at once and rules 5, 9 and 10 shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for the different rules.

2. In the Defence of India Rules, 1962 (hereinafter referred to as the said rules), in rule 126-A,—

(a) after clause (a), the following clauses shall be inserted, namely:—

'(aa) "article" means any article (other than ornament) in a finished form made of or manufactured from or containing gold and includes parts of any broken article but does not include primary gold;

(ab) "artisan" means a person who makes, manufactures, prepares, polishes or repairs ornaments for a dealer licensed under this Part, or melts, processes or converts gold for the purpose of making, manufacturing, preparing or repairing ornaments for such dealer, whether for cash or for deferred payment, or for commission, remuneration or other valuable consideration;';

(ac) "commencement of the Defence of India (Fourth Amendment) Rules, 1966," means, in relation to any provision of the said rules, the commencement of that provision;

(b) in clause (g), for the words "unfinished form", the words "unfinished or semi-finished form" shall be substituted;

(c) for clause (i), the following clause shall be substituted, namely:—

'(i) "refinery" means a place where gold is melted, assayed, refined, alloyed or subjected to any other process for the purpose of making primary gold and includes a place where gold is assayed at the request of any dealer or other person, whether for the purpose of making primary gold or not, but does not include a place where gold is melted, alloyed or subjected to any other process by a dealer licensed under this Part or his artisan or a goldsmith certified under this Part for the purpose of making, manufacturing, preparing, polishing or repairing ornaments;';

(d) after clause (i), the following clause shall be inserted, namely:—

'(j) "standard gold bar" means primary gold of such fineness, dimension, weight and description and containing such markings, as may be prescribed.'.

3. In rule 126-B of the said rules,—

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) On and from the commencement of the Defence of India (Fourth Amendment) Rules, 1966,—

(a) a dealer licensed under this Part or an artisan or a certified goldsmith shall not make or manufacture any primary gold or article but may make, manufacture, prepare, polish or repair ornaments and may also polish or repair an article:

Provided that a dealer licensed under this Part may, for the purpose of making ornaments, make or manufacture primary gold (other than standard gold bar) by melting, processing or converting any article or ornament,

(b) a refiner shall not make, manufacture, prepare, polish or repair any article or ornament but may make standard gold bars,

(c) any other person shall not make, manufacture, prepare, polish or repair any article, ornament or primary gold,

unless such dealer, artisan, refiner, goldsmith or other person is authorised by the Administrator, by general or special order, to make, manufacture, prepare, polish or repair such article, ornament or primary gold.";

(b) sub-rule (1A) shall be omitted;

(c) in sub-rule (2), for the words "any article (other than ornament) containing gold", the words "any article containing gold" shall be substituted.

4. Rule 126-C of the said rules shall be omitted.

5. After rule 126-C of the said rules, the following rule shall be inserted, namely:—

"126-CC. RESTRICTION ON THE MANUFACTURE OF GOLD BY REFINERS.—(1) Notwithstanding anything contained in this Part, a refiner may buy or accept primary gold, article or ornament from any dealer, goldsmith or other person for the purpose of refining such gold and making or manufacturing standard gold bars therefrom.

(2) A refiner shall not receive, melt, assay, alloy, or refine gold or subject it to any other process except under such conditions, limitations and restrictions as may be prescribed.

(3) If a refiner carries on, in the same premises, the business of refining silver or other metal, he shall carry on the business of refining gold in such part of the premises and under such conditions and limitations as may be specified by the Administrator.

(4) Every refiner who makes or manufactures standard gold bars after the commencement of the Defence of India (Fourth Amendment) Rules, 1966, shall put a stamp containing such particulars as may be prescribed on each piece of standard gold bar.

(5) No stamp referred to in sub-rule (4) shall be used in stamping any standard gold bar unless such stamp has been approved and registered by the Administrator.

(6) Every person who refines silver shall—

(a) maintain a record of gold, if any recovered from such refining ;

(b) declare on or before the fifth day of each month in such form as may be prescribed the amount of gold so recovered;

(c) sell such gold within fifteen days from the date of such declaration to a refiner licensed under this Part.

(7) The Administrator may impose a penalty of a sum not exceeding rupees one thousand on every refiner who contravenes any provision of this rule or any order or direction made thereunder.".

6. In rule 126-D of the said rules,—

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) As from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, no person shall make, advance, grant any loan to any other person on the hypothecation, pledge, mortgage or charge of primary gold.";

(b) after sub-rule (1), the following sub-rule shall be inserted, namely:—

"(1A) As from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, no person shall obtain any loan from any other person on the hypothecation, pledge, mortgage or charge of any article or ornament, unless such article or ornament has been included in a declaration or further declaration made under rule 126-I or unless in respect of such article or ornament no such declaration is required to be made under that rule.".

7. In rule 126-E of the said rules,—

(A) for sub-rule (1A), the following sub-rule shall be substituted, namely:—

"(1A) (a) Notwithstanding anything contained in this Part or in any licence, every refiner holding, at the commencement of the Defence of India (Fourth Amendment) Rules, 1966, a licence to carry on business as such refiner shall make, within fifteen days from such commencement, an application to the Administrator for the renewal of the licence held by him;

(b) Notwithstanding anything contained in sub-rule (1), no refiner shall carry on business as such refiner, after the expiry of a period of fifteen days from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, unless he has made an application for the renewal of the licence held by him in accordance with the provisions of clause (a) of this sub-rule;

(c) No licence granted to a refiner under this rule shall be renewed after the commencement of the Defence of India (Fourth Amendment) Rules, 1966 unless such refiner fulfils the conditions specified in the second proviso to sub-rule (8);

(d) The Central Government may, if it is satisfied that the public interest so requires, grant, after the commencement of the Defence of India (Fourth Amendment) Rules, 1966, a licence to any person or authority to carry on business as a refiner:

Provided that no such licence shall be granted unless such person or authority fulfils the conditions specified in the second proviso to sub-rule (8).

(B) in sub-rule (8), in the second proviso,—

(i) in clause (b), for the words "the demand", the words "the anticipated demand, as estimated by him," shall be substituted;

(ii) in clause (d), for the words "commencement of this Part" the words "commencement of the Defence of India (Fourth Amendment) Rules, 1966" shall be substituted;

(iii) clauses (e) and (f) shall be re-lettered as clauses (h) and (i) respectively and before clause (h), as so re-lettered, the following clauses shall be inserted, namely:—

"(e) the security of the premises where the applicant intends to carry on business as refiner, and arrangements for the storage of gold therein before and after refining,

(f) the existence, or the probability of the existence, of equipment in the refinery for the manufacture of standard gold bars,

(g) the existence of facilities in the refinery for the exercise of supervision and control by the Administrator or any other person authorised by him in this behalf.".

(C) in sub-rule (10), for the words "a refiner whose application for the issue of a licence", the words "a refiner whose application for the issue or renewal of a licence" shall be substituted.

8. In rule 126-F of the said rules, after sub-rule (1), the following subrule shall be inserted, namely:—

"(1A) The Administrator may, if he is opinion that it is necessary in the public interest so to do, require any person, who makes, advances or grants any loan on the hypothecation, pledge, mortgage or charge of any article or ornament, to make to him, in such form and within such time as may be prescribed, a return as to the receipt, delivery, or sale of such article or ornament and as to the persons from whom they were received or, as the case may be, to whom they were delivered or sold.".

9. In rule 126-H of the said rules,—

(a) after sub-rule (1), the following sub-rules shall be inserted, namely:—

"(1A) No person (other than a dealer or refiner licensed under this Part) shall, after the expiry of a period of six months from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, either own or have in his possession, custody or control any primary gold.

(1B) Every person who owns or have in his possession, custody or control at the commencement of the Defence of India (Fourth Amendment) Rules, 1966, any primary gold which has been included in a declaration or further declaration made under rule 126-I (as in force immediately before the commencement of the said rules) or in respect of which no such declaration is required to be made under that rule, shall dispose of such primary gold in the following manner, namely:—

(i) if he, being the owner, is in possession, custody or control thereof at such commencement, he shall, within a period of six months from such commencement, either sell such primary gold to a refiner or dealer licensed under this Part or deliver the same to a dealer or goldsmith licensed or certified, as the case may be, under this Part for conversion thereof into ornaments;

(ii) if he, being the owner, is not in possession, custody or control thereof at such commencement, he shall, within a period of four months from such commencement either recover (after redemption, where necessary) the possession, custody or control thereof or authorise,

within the said period, the person who is in possession, custody or control thereof—

(a) to sell such primary gold to a dealer or refiner licensed under this Part, or

(b) to deliver the same to a dealer or goldsmith licensed or certified, as the case may be, under this Part, for conversion thereof into ornaments;

(iii) if he, being the owner, omits or fails to recover the possession, custody or control of such primary gold within a period of four months from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, and further omits, neglects or fails to authorise the person who is in possession, custody or control thereof to sell such primary gold or to deliver the same to a dealer or goldsmith for conversion thereof into ornaments, the person who is in possession, custody or control of such primary gold shall, within a period of two months from the date of expiry of the said period of four months, sell such primary gold to a dealer or refiner licensed under this Part and dispose of the proceeds of such sale in any manner authorised by law.

(1C) Every sale or delivery of primary gold under sub-rule (1B) shall be made in such manner and under such conditions as may be prescribed.

(1D) Every dealer to whom any primary gold is sold or delivered under sub-rule (1B) shall, within a period of one month from such sale or delivery, as the case may be, deliver the same to a refiner for conversion thereof into standard gold bars.

(1E) Every dealer to whom any primary gold is delivered under sub-rule (1B) for conversion thereof into ornaments, shall, within a period of six months from the date of receipt of such gold, deliver to the person by whom such gold was delivered or his duly authorised agent ornaments which have been made from such primary gold.

(1F) Every refiner licensed under this Part, who has any primary gold in his possession, custody or control at the commencement of the Defence of India (Fourth Amendment) Rules, 1966, shall, within a period of one month from such commencement, convert such primary gold into standard gold bars.

(1G) Every dealer licensed under this Part, who has any primary gold in his possession, custody or control at the commencement of the Defence of India (Fourth Amendment) Rules, 1966, shall, within a period of one month from such commencement, deliver such primary gold to a refiner licensed under this Part for conversion thereof into standard gold bars."

(b) in sub-rule (2),—

(i) in clause (b), in the proviso, the words "not being ornament" shall be omitted;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(bb) no dealer licensed under this Part shall—

(i) have, at any time, in his possession, custody or control primary gold in any form except in the form of standard gold bars:

Provided that such dealer may keep in his possession, custody or control not more than—

(a) five hundred grammes, if he employs not more than ten artisans,

(b) one thousand grammes, if he employs more than ten, but not more than twenty, artisans,

(c) two thousand grammes, if he employs more than twenty artisans,

of primary gold in any form other than standard gold bars;

(ii) keep in the premises where he carries on business as such dealer, any primary gold, article or ornament which is not a part of his stock in trade or held by him in his capacity as a dealer and every primary gold, article or ornament found in such premises shall be deemed to be a part of the stock in trade of such dealer;";

(iii) in clause (d), after the proviso, the following provisos shall be inserted, namely:—

"Provided further that no person shall, after the expiry of a period of six months from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, acquire any primary gold by succession, intestate or testamentary:

Provided further that if any person acquires any primary gold by succession, intestate or testamentary, within a period of six months from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, he shall, within a period of two months from the date of such acquisition or six months from such commencement, whichever is later, either sell such primary gold to a dealer or refiner licensed under this Part or deliver the same to a dealer or goldsmith licensed or certified, as the case may be, under this Part, for conversion thereof into ornaments.";

(c) after sub-rule (3), the following sub-rules shall be inserted, namely:—

"(4) Nothing in this rule shall apply to any primary gold which forms part of any structure or any other construction or appendage within the precincts of a temple, mutt, church, mosque, gurdwara or any other place of public religious worship.

(5) Every public religious institution owning any primary gold [other than any gold referred to in sub-rule (4)] at the commencement of the Defence of India (Fourth Amendment) Rules, 1966, shall, within a period of six months from such commencement, either sell such primary gold to a refiner or dealer licensed under this Part or deliver the same to a dealer or goldsmith licensed or certified, as the case may be, under this Part for conversion thereof into ornaments for the deity or idol or, with the previous permission of the Administrator, into such article as may be necessary or required for the purpose of worship in such institution.

(6) Notwithstanding anything contained in this Part, a public religious institution may receive any gold as offerings:

Provided that—

(a) where any article has been received by such institution, such article may be—

(i) kept by such institution for its use, or

(ii) sold to a dealer or refiner licensed under this Part, or

(iii) converted, with the previous permission of the Administrator, into ornaments for the deity or idol or into any article which may be necessary or required for worship in the institution or for use in or decoration of the structure or other appendage of the institution,

(b) where any primary gold has been received by such institution, such primary gold may be—

(i) converted, with the previous permission of the Administrator, into ornaments for the deity or idol, or article which may be necessary or required for worship in the institution or for use in or decoration of the structure or other appendage of the institution, or

(ii) sold to such person and under such conditions, restrictions and limitations as may be prescribed.

(7) Every religious institution shall submit in such form and in such manner as may be prescribed, to the Administrator monthly accounts of the primary gold received by it as offerings.

(8) The person in charge of the management of any such institution shall be responsible for anything done or omitted to be done by such institution.

10. In rule 126-HH of the said rules,—

(a) for sub-rules (1) and (2), the following sub-rules shall be substituted, namely:—

"(1) Notwithstanding anything contained in rule 126-H, a dealer who is not required by sub-rule (3) or sub-rule (4) of rule 126-E to make any application for the issue of a licence under that rule and has not obtained any licence in pursuance of an application for the issue of a licence under that rule and has not obtained any licence in pursuance of an application made by him under sub-rule (6) of that rule may, if he was carrying on business as a goldsmith for more than a year immediately before the commencement of this Part, buy standard gold bars from a dealer or refiner licensed under this Part, or accept from any person any article or ornament, for the purpose of making, manufacturing, preparing or repairing, and may make, manufacture or prepare new ornament or ornaments, or repair old ornaments, from that gold, article or ornament or all or any of them and may repair or polish any article or ornament:

Provided that no such dealer shall have, at any time, in his possession, custody or control any quantity of standard gold bar in excess of one hundred grammes.

(1A) Notwithstanding anything contained in sub-rule (1), a certified goldsmith may accept primary gold delivered to him under the proviso to rule (1B) of rule 126-H and may convert the same into ornament or ornaments;

(1B) As from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, no such dealer shall make, manufacture, prepare, repair or polish any ornament or buy standard gold bar or accept any ornament or buy standard gold bar or accept any article or ornament for the purpose of making, manufacturing, preparing, polishing or repairing any ornament, unless—

(a) he holds at such commencement a valid certificate recognising him as a goldsmith, or

(b) he has, before such commencement, made an application to the Administrator in the prescribed form and on payment of a fee of rupee one for the issue of a certificate recognising him as a goldsmith:

Provided that no such dealer shall carry on business as a goldsmith after he is informed by the Administrator, by notice in writing, that his application for the issue of a certificate has been rejected, or

(c) he has, after such commencement, made an application to the Administrator in the prescribed form and on payment of a fee of rupee one for the issue of a certificate recognising him as a goldsmith and has been granted such certificate.";

(b) for sub-rule (2), the following sub-rule shall be substituted, namely:—

"(2) Notwithstanding anything contained in sub-rule (1), where any dealer, referred to in sub-rule (1), has received any loan or other rehabilitation benefit from the Government, he shall not be eligible for obtaining a certificate recognising him as a goldsmith:

Provided that a dealer who has received a loan from the Government shall become eligible for obtaining a certificate recognising him as a goldsmith if he repays the loan (otherwise than in accordance with the terms and conditions thereof) within a period of three months from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, or within such further time as the Administrator may, on sufficient cause being shown, allow.";

(c) (i) in sub-rule (3), for the word, brackets and figure "sub-rule (2)", the word, brackets and figure "sub-rule (1B)" shall be substituted;

(ii) to sub-rule (3), the following proviso shall be added, namely:—

"Provided that no such certificate shall be granted after the commencement of the Defence of India (Fourth Amendment) Rules, 1966, to

any person unless such person—

(a) had been carrying on business as a goldsmith for more than a year immediately before the commencement of this Part, or

(b) is the son or grandson of a person referred to in clause (a) or is a member of the family of such person and had been assisting such person in his work as a goldsmith for not less than one year immediately before the commencement of this Part, or

(c) is a repatriate from any country and had been earning his livelihood as a goldsmith before such repatriation, or

(d) belongs to a category or class to which, in the opinion of the Administrator, such certificate, may be granted in the public interest.";

(d) for sub-rule (8), the following sub-rule shall be substituted, namely:—

"(8) Notwithstanding anything contained in rule 126-B, a certified goldsmith may, for the purpose of making ornaments, make or manufacture primary gold (other than standard gold bar) by melting, processing or converting any article or ornament:

Provided that a certified goldsmith shall not, at any time, have in his possession, custody or control any quantity of primary gold, including standard gold bars, in excess of two hundred grammes.";

(e) in sub-rule (9), the words "having gold of a purity exceeding 14 carats", wherever they occur, shall be omitted.

11. After rule 126-HH, the following rule shall be inserted, namely:—

"126-HHH. Artisans.—(1) A dealer licensed under this Part may employ, whether on a whole-time or part-time basis or on payment of daily wages or other remuneration, an artisan—

(a) who was a dealer or goldsmith or was employed by a dealer for a period of not less than one year immediately preceding the commencement of this Part or at any time after such commencement but before the commencement of the Defence of India (Fourth Amendment) Rules, 1966, or

(b) who is otherwise eligible to obtain a certificate as a goldsmith, as an aide for carrying on his business as such dealer or refiner:

Provided that no such artisan shall be employed by such dealer unless the name of such artisan has been entered in the Register of Artisans to be maintained by such dealer.

(2) A certified goldsmith who accepts employment as an artisan shall, before commencing work as such artisan, surrender his certificate to the Administrator.

(3) Every dealer shall grant identity cards, in such form as may be prescribed, to every artisan whose name is entered by him in the Register of Artisans showing that the name of such artisan has been entered in that register and send such identity cards, within one month from the date of issue thereof, to the Administrator for his approval and countersignature.

(4) On receipt of the identity card of an artisan under this rule the Administrator may, after making such inquiry, if any, as he may consider necessary, either countersign the identity card or, by an order in writing, refuse to do so.

(5) No artisan, the countersignature of whose identity card has been refused by the Administrator or whose identity card has been cancelled, shall be employed, after such refusal or cancellation, by any dealer.

(6) An artisan whose identity card has been countersigned by the Administrator shall produce the same to the Administrator or any officer authorised by him in this behalf, on demand.

(7) If any dealer engages an artisan, who already holds an identity card duly countersigned by the Administrator, such dealer shall enter the name of such artisan in the Register of Artisans maintained by him and shall within seven days thereof forward the identity card of such artisan to the Administrator for an endorsement thereon.

(8) The Administrator may, if he is satisfied that the particulars of an artisan as entered in the Register of Artisans are incorrect or false in material particulars or that the artisan has contravened any provision of this Part, cancel the identity card of such artisan:

Provided that no such cancellation shall be made unless a reasonable opportunity has been given to the artisan to show cause why his identity card shall not be cancelled.

(9) Any artisan—

(i) who is dismissed by the dealer by whom he is employed, or

(ii) the countersignature of whose identity card is refused by the Administrator, or

(iii) whose identity card has been cancelled by the Administrator, shall immediately surrender his identity card to his employer and such employer shall immediately recover all the quantity of gold that was in the possession, custody or control of such artisan on the date of such dismissal, refusal or cancellation.".

12. In rule 126-I of the said rules,—

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) Every person, not being a dealer, required to apply for a licence, or licensed, or a refiner licensed, under this Part, shall, within thirty days from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, or within such further period as the Central Government may by notification specify, make a declaration to the Administrator in the prescribed form as to the quantity, description and other prescribed particulars of any article or ornament, or both, owned by him:

Provided that no such declaration shall be required to be made where a person who owns articles, but does not own any ornament, has already made a declaration in respect of those articles.";

(b) in sub-rule (2), for the word "gold", wherever it occurs, the words "any article, or ornament, or both" shall be substituted;

(c) in sub-rule (3), for the words "any gold other than ornaments", the words "any article" shall be substituted;

(d) for sub-rules (4), (5) and (6), the following sub-rules shall be substituted, namely:—

"(4) If any person, who has made a declaration under sub-rule (1), acquires, after such declaration, any article (by succession, intestate or testamentary, or in accordance with a permit granted by the Administrator) or acquires any ornament, or, after such declaration, parts with any article or ornament, he shall as often as he acquires or parts with any article or ornament, make within thirty days from the date of such acquisition or parting with, a further declaration to the Administrator in the prescribed form stating the number, description and other particulars of such article or ornament acquired or parted with by him and giving the prescribed particulars of the person from whom such article or ornament was acquired or in whose favour such article or ornament was parted with, as the case may be.

(5) If any person, who does not own any article or ornament, at any time within the period within which the declaration referred to in sub-rule (1) is required to be made, acquires, after the expiry of that period, any article (by succession, intestate or testamentary, or in accordance with a permit granted by the Administrator) or acquires any ornament, he shall, within thirty days from the date of such acquisition, make a declaration to the Administrator in the prescribed form, stating the number, description and other prescribed particulars of such article or ornament owned by him on the date of such declaration.

(6) If any person, who has made a declaration under sub-rule (5), acquires any article (by succession, intestate or testamentary, or in accordance with a permit granted by the Administrator) or acquires any ornament or parts with any article or ornament, he shall, as often as he acquires or parts with any article or ornament, make, within thirty days from the date of such acquisition or parting with, a further declaration to the Administrator in the prescribed form stating the number, description and other prescribed particulars of such article or ornament acquired or parted with by him and giving the prescribed particulars of the person from whom such article or ornament was acquired or in whose favour such article or ornament was parted with, as the case may be.";

(e) sub-rule (7) shall be re-lettered as clause (A) thereof, and—

(I) in clause (A), as so re-lettered,—

(i) for the words "gold, whether contained in one or more pieces", wherever they occur, the word "article" shall be substituted,

(ii) for the word "gold", wherever it occurs, the word "article" shall be substituted,

(II) after clause (A), as so re-lettered, the following clause shall be inserted, namely:—

'(B) Where any person owns any ornament or both ornament and articles, no declaration or further declaration shall be required to be made under the foregoing provisions of this rule unless the total weight of such ornament or article and ornament, as the case may be, exceeds—

(a) in the case of a minor who is not a member of a family, eight hundred grammes;

(b) in the case of an individual, (other than a minor) who is not a member of a family, two thousand grammes;

(c) in the case of a family, four thousand grammes:

Provided that where the membership of a family is such that the exemption limit, when calculated on the basis of the weights specified in clause (a) or (b) or both, is less than four thousand grammes, such family shall be required to make a declaration or a further declaration, as the case may be, if the total weight of the ornaments or articles and ornaments owned by such family exceeds the said exemption limit;

(d) in the case of any article referred to in clauses (b) to (l) of sub-rule (2), two thousand grammes.

Explanation.—For the purposes of this rule, "family" shall be deemed to consist of—

(i) the husband, wife and one or more minor children, or

(ii) any two or more of them,

but shall not be deemed to include any other person.

13. For sub-rule (11) of rule 126-I, the following rule shall be substituted, namely :—

126-II. PRESUMPTION AS TO OWNERSHIP.—Any person, who is, in possession, custody or control of any article, ornament or primary gold, shall be presumed, until the contrary is proved, to be the owner thereof."

14. In rule 126-L of the said rules,—

(a) in sub-rule (2), after clause (b), the following clause shall be inserted, namely:—

"(c) seize any document or thing which, in his opinion, will be useful for or relevant to any inquiry or proceeding for the contravention of any provision of this Part.":

(b) in sub-rule (3), for clause (b), the following clause shall be substituted, namely:—

"(b) any document relating to such gold or which, in such officer's opinion, will be useful for or relevant to any inquiry or proceeding for the contravention of any provision of this Part,";

(c) after sub-rule (3), the following sub-rule shall be inserted, namely:—

"(3A) Where any document has been seized under sub-rule (1), sub-rule (2) or sub-rule (3), and such document is tendered by the prosecution in evidence against any person, the court shall—

(a) unless the contrary is proved, presume—

(i) the truth of the contents of such documents;

(ii) that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in handwriting of, any particular person, is in that person's handwriting and in the case of a document executed or attested, that it was executed or attested by the person by whom it purports to have been so executed or attested;

(b) admit the document in evidence, notwithstanding that it is not duly stamped if such document is otherwise admissible in evidence.".

15. In rule 126-M of the said rules,—

(a) after sub-rule (3), the following sub-rule shall be inserted, namely:—

"(3A) The Administrator may, of his own motion or otherwise, call for and examine the record of any proceeding in which any order of adjudication of confiscation or fine has been made under this rule or any penalty has been imposed under sub-rule (16) of rule 126-L, but no appeal against such order or decision has been preferred, for the purpose of satisfying himself as to the legality or propriety of any such order, fine or penalty, and pass such order thereon as he thinks fit:

Provided that no order enhancing any penalty or fine in lieu of confiscation shall be made under this sub-rule unless the person affected by the proposed order has been given a reasonable opportunity of showing cause against it:

Provided further that no order shall be made by the Administrator under this sub-rule after the expiry of two years from the date of the order or decision.";

(b) in sub-rule (4), after the words "such adjudication", the words "or exercising any power of revision" shall be inserted;

(c) in sub-rule (7), in clause (a), after the words "any order passed by", the words "the Administrator or" shall be inserted.

16. In rule 126-P of the said rules, in sub-rule (2), after clause (x), the following clause shall be inserted, namely:—

"(xi) unlawfully has in his possession, custody or control any apparatus, chemicals, equipment, instrument, moulds, stamp or any other material which he either knows or has reason to believe to be intended for refining any gold or for making or counterfeiting any primary gold or standard gold bar.".

17. Savings.—Nothing in the Defence of India (Fourth Amendment) Rules, 1966, shall—

(a) revive any right which was not in existence at the commencement of the said rules, or

(b) affect any liability, penalty, forfeiture or punishment incurred in respect of anything done or omitted to be done before the commencement of the said rules, or

(c) affect any investigation, legal proceeding or remedy in respect of any such liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the Defence of India (Fourth Amendment) Rules, 1966, were not made.

[No. F. 1/58/66-GCII.]

JASJIT SINGH, Jt. Secy.

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1966